

REMARKS

Applicants respectfully request consideration of the subject application. This Response is submitted in response to the Non-Final Office Action mailed December 10, 2008. Claims 10, 13, 20, 22, 23, 56, and 57 are pending. Claims 10, 13, 20, 22, 23, 56, and 57 are rejected.

35 U.S.C. §103 Rejections

The Examiner has rejected claims 10, 13, 20, 22-23, 56, and 57 under 35 U.S.C. § 103(a) as being anticipated by Fredrickson et al., (U. S. Patent Publication No.: 2002/0019768, hereinafter “Fredrickson”) in view of Goldhaber (U. S. Patent No.: 5,794,210, hereinafter “Goldhaber”).

As noted in Applicants’ remarks dated April 9, 2008, Fredrickson fails to teach or suggest serving different forms of the same advertisement on different web pages as required by claims 10, 22, and 23. In response, the Examiner has stated the “the claims do not require the ad forms all be of the same ad.” Office Action dated December 10, 2008 (hereinafter “Office Action”), page 4. The Applicants respectfully disagree with the Examiner’s statement. Previously presented claim 10 recites serving a small form of an advertisement associated with said sponsor on a second Web page, and serving a large form of said advertisement associated with said sponsor on a third Web page. Claims 22 and 23 require similar limitations. Thus, claims 10, 22, and 23 do require the ad forms to be of the same ad. Fredrickson fails to teach or suggest at least this element of claims 10, 22, and 23 and Goldhaber fails to overcome this deficiency of Fredrickson. Hence, claims 10, 22, and 23 are patentable over Fredrickson in view of Goldhaber.

Additionally, in the Office Action, the Examiner notes that “Fredrickson does not explicitly disclose serving, for a fixed period of time, a fourth Web page requesting confirmation of a viewing by a user of at least one of said brand component, said small form of said advertisement, and said large form of said advertisement” and asserts that Goldhaber overcomes this deficiency. Office Action, page 6.

Goldhaber discloses an ad that “can include some degree of interactivity... to allow the service to give the advertiser a guarantee that Cynthia [a user] paid attention to the ad. This interactivity can make the ad more fun (e.g. by providing a guessing game, quiz or joke.” *Goldhaber*, col. 7, lines 56-61. Claim 45 of Goldhaber recites:

“(1) generating a list of said attention broker computer of at least one item of negatively priced information... (3) determining which items from said list to make available to the personal computer; (4) communicating at least one representation of at least one item determined in step (3) to the personal computer via the computer network (5) noting said user's interaction with said representation, where said interaction includes selecting and activating a visual link that is contained within said representation.” *Id.*, col. 25, lines 45-58.

Claim 54, which depends on claim 45, recites “wherein said negatively priced information comprises a form of attention test for previously delivered information; and wherein step (5) further includes the step of responding to said attention test.” *Id.*, col. 26, lines 54-57. Claim 55, which depends on claim 54, recites wherein: step (4) includes the step of delivering an attention indicator requesting user interaction; step (5) includes the step of noting the requested user interaction. *Id.*, col. 26, lines 59-63. Claim 56, which depends on claim 55, recites “wherein the step of delivering an attention indicator includes delivering at least one of a game, a quiz, a joke, an attention test, a form, and a survey.” *Id.*, col. 26, lines 68-68.

Thus, the interactively, visual link, attention test, and attention indicator of Goldhaber are included within an ad and/or representation delivered to a user. As such, they are not provided on a web page separate from the ad or representation. Consequently, Goldhaber fails to teach or disclose serving, for a fixed period of time, a fourth Web page requesting confirmation of a viewing by a user of at least one of said brand component, said small form of said advertisement, and said large form of said advertisement as required by the present claims. Thus, the combination of Fredrickson and Goldhaber fail to teach or suggest each and every element of present claims.

Therefore, for at least the reasons provided above, the present claims are patentable over the combination of Fredrickson and Goldhaber. Accordingly, Applicants

respectfully request the withdrawal of the 35 U.S.C. §103(a) rejections of claims 10, 13, 20, 22-23, 56, and 57.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
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